

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
BLOCKCHAIN MINING SUPPLY AND
SERVICES LTD.,

Case No. 18-CV-11099-ALC

Plaintiff,

-against-

SUPER CRYPTO MINING, INC. (N/K/A DIGITAL
FARMS, INC. and DPW HOLDINGS, INC.
(N/K/A AULT AULLIANCE, INC.),

Defendants.
.....X

**SUPPLEMENTAL
DECLARATION OF
ROBERT B. VOLYNSKY**

I, Robert B. Volynsky, declare as follows:

1. I am an attorney in good standing admitted to practice in the State of New York and before the bar of this Court and a partner at Wetz Kakos Gerbi Wolinetz Volynsky LLP, counsel to Defendants Super Crypto Mining, Inc. (n/ka Digital Farms, Inc.) (“Super Crypto”) and DPW Holdings, Inc. (n/k/a Ault Alliance, Inc.) (“DPW” and with “Super Crypto” collectively, “Defendants”) in the above-captioned action.

2. I make this Declaration in Support of Defendants’ Opposition (the “Opposition”) to Plaintiff Blockchain Mining Supply and Services Ltd.’s (“Plaintiff” or “Blockchain”) motion for summary judgment, and to place before the Court documents and information necessary to determine the Opposition.

3. I make this declaration based upon my own personal knowledge, as well as a review of the documents that have been produced in this litigation.

4. Attached as Exhibit 32 hereto are true and correct excerpts of the transcript for the deposition of Darren Magot (hereinafter, the “Magot Dep.”), which was taken by counsel for Plaintiff on January 20, 2023 in this litigation.

5. Attached as Exhibit 33 hereto are true and correct excerpts of the transcript for the deposition of Milton C. Ault, III (hereinafter, the “Ault Dep.”), which was taken by counsel for Plaintiff on January 12, 2023 in this litigation.

6. Attached as Exhibit 34 hereto are true and correct excerpts of the transcript for the deposition of William Tencer (hereinafter, the “Tencer Dep.”), which was taken by counsel for Defendants on January 10, 2023 in this litigation.

7. Attached as Exhibit 35 hereto are true and correct excerpts of the transcript for the deposition of Yonah Kalfa (hereinafter, the “Kalfa Deposition”), which was taken by counsel for Defendants on January 18, 2023 in this litigation.

8. Attached as Exhibit 36 hereto is a true and correct copy of Exhibit 11 from the Tencer Deposition, which is BMS000001-BMS000009, produced by Plaintiff in this action.

9. Attached as Exhibit 37 hereto is a true and correct copy of Exhibit 10.1 to the Form 8-K, filed by Slinger Bag Inc. (n/k/a Connexa Sports Technologies Inc.) (“Slinger Bag”) with the United Securities and Exchange Commission (“SEC”), on or about April 1, 2020.

10. Attached as Exhibit 38 hereto is a true and correct copy of Exhibit 10.2 to the Form 8-K, filed by Slinger Bag with the SEC, on or about April 1, 2020.

11. Attached as Exhibit 39 hereto is a true and correct copy of Exhibit 10.3 to the Form 8-K, filed by Slinger Bag with the SEC, on or about April 1, 2020.

12. Attached as Exhibit 40 hereto is a true and correct copy of the Form 10-K (the “2017 DPW 10-K”) for the fiscal year ended December 31, 2017, filed by DPW with the SEC, on or about April 17, 2018. A copy of certain excerpts of the 2017 DPW 10-K were appended to the Declaration of Richard Mandel, dated May 30, 2023 (“Mandel”), at Ex. QQ. *See also* Mandel, ¶44. (Due to the size of the 2017 DPW 10-K, only the excerpts referenced in Defendants’

Response to Plaintiff's Rule 56.1 Statement ("Ds Resp.") and Defendants' Supplemental Statement of Material Facts that Preclude Summary Judgment ("Ds Supp. SF") are included herein).

13. Attached as Exhibit 41 hereto is a true and correct copy of Exhibit 21 to the 2017 DPW 10-K.

14. Attached as Exhibit 42 hereto is a true and correct copy of the Form 10-K/A (the "2018 DPW 10-K/A") for the fiscal year ended December 31, 2018, filed by DPW with the SEC, on or about October 16, 2019. A copy of certain excerpts of the 2018 DPW 10-K/A were appended at Mandel, Ex. BBBB. *See also* Mandel, ¶107. (Due to the size of the 2018 DPW 10-K/A, only the excerpts referenced in Ds Resp. and Ds Supp. SF are included herein).

15. Attached as Exhibit 43 hereto is a true and correct copy of a Document Bates Stamped BMS 000734, produced by Plaintiff in this action.

16. Attached as Exhibit 44 hereto is a true and correct copy of a PDF file of the webpage from the link contained in Exhibit 43, which I accessed on August 11, 2023.

17. Attached as Exhibit 45 hereto is a true and correct copy of a PDF file of the webpage accessible at <https://kalfalaw.com/our-team/>, which I accessed on August 11, 2023.

18. Attached as Exhibit 46 hereto are true and correct copies of Print Screen snapshots that I created on August 11, 2023 from the Internet Archive WayBack Machine website (archive.org/web) for the domain <https://supercryptomining.com>. The snapshots contain archived versions of the website from May 16, 2018.

19. Attached as Exhibit 47 hereto is a true and correct copy of Exhibit 10 from the Tencer Deposition, which is BMS 001345 – BMS 001354, produced by Plaintiff in this action.

20. Attached as Exhibit 48 hereto is a true and correct copy of Exhibit 22 from the Tencer Deposition, which is DEFENDANTS_003198, produced by Defendants in this action.

21. Attached as Exhibit 49 hereto is a true and correct copy of Exhibit 73 from the Ault Deposition, which is DEFENDANTS_002599-DEFENDANTS_002601, produced by Defendants in this action.

22. Attached as Exhibit 50 hereto is a true and correct copy of Exhibit 52 from the Magot Deposition, which is DEFENDANTS_002518-DEFENDANTS_002526, produced by Defendants in this action.

23. Attached as Exhibit 51 hereto is a true and correct copy of Exhibit 47 from the Ault Deposition, which is DEFENDANTS_001813-DEFENDANTS_001814, produced by Defendants in this action.

24. Attached as Exhibit 52 hereto is a true and correct copy of BMS 000975 – BMS000990, produced by Plaintiff in this action.

25. Attached as Exhibit 53 hereto is a true and correct copy of BMS 001063 – BMS001093, produced by Plaintiff in this action.

26. Attached as Exhibit 54 hereto is a true and correct copy of BMS 001289 – BMS001293, produced by Plaintiff in this action.

27. On or about July 31, 2023, the Court granted Defendants' request for an enlargement of the page count in connection with Defendants' Memorandum of Law in Opposition to thirty pages, exclusive of signature block. [DE 134, 135].

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 12th day of August of 2023 in Carle Place, New York.



ROBERT B. VOLYNSKY